



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,036	09/22/2003	Jeyhan Karaoguz	14967US02	7866

23446 7590 10/31/2007
MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

EXAMINER

HAMILTON, LALITA M

ART UNIT	PAPER NUMBER
----------	--------------

3691

MAIL DATE	DELIVERY MODE
-----------	---------------

10/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/667,036

Applicant(s)

KARAOGUZ ET AL.

Examiner

Lalita M. Hamilton

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

On May 30, 2007, an Office Action was sent to the Applicant rejecting claims 1-39. On August 13, 2007, the Applicant responded by amending claims 1 and 12 and adding new claims 40-53.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-53 are rejected under 35 U.S.C. 102(e) as being anticipated by McEvilly (2003/0151621), as set forth in the previous Office Action.

With regard to new claims 40-43, McEvilly discloses a user interface having at least one user defined media channel comprising a sequence of user selected and scheduled media, the user interface supporting selection and scheduling of the media (p.3, 50; p.11, 156 to p.12, 161; and p.27, 328); at least one server storing the media (p.3, 50; p.11, 156 to p.12, 161; and p.27, 328); server software that receives a request for the delivery of the media, the request comprising information securing payment for delivery, and that responds by coordinating the delivery of the media from a storage or the at least one server to a television display for consumption (p.3, 50; p.11, 156 to p.12, 161; and p.27, 328); the media comprises at least one of audio, a still image,

Art Unit: 3691

video, and data (p.3, 50; p.11, 156 to p.12, 161; and p.27, 328); at least one media peripheral communicatively coupled to the storage and the at least one media peripheral acting as one of a source or a destination for the media (p.3, 50; p.11, 156 to p.12, 161; and p.27, 328); the at least one media peripheral comprises at least one of a digital camera, a digital camcorder, a television, a personal computer, a CD player, a home juke-box, a multi-media gateway device, a multi-media personal digital assistant, a DVD player, a tape player, and a MP3 player (p.23, 286); at least one server at a first location, the at least one server configured to store media and server software that receives via a communication network a request for the delivery of the media, the request comprising information securing payment for delivery, and that responds by coordinating the delivery of the media from a storage at a second location to a television display at a third location for consumption (p.3, 50; p.11, 156 to p.12, 161; and p.27, 328); the media comprises at least one of audio, a still image, video, and data (p.3, 50; p.11, 156 to p.12, 161; and p.27, 328); the communication network comprises at least one of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and a wireless infrastructure (p.3, 50; p.11, 156 to p.12, 161; and p.27, 328); the communication network is the Internet (p.3, 50; p.11, 156 to p.12, 161; and p.27, 328); the at least one server comprises at least one of a 3rd party service provider, a media storage server, and a broadband head end (p.3, 50; p.11, 156 to p.12, 161; and p.27, 328); an identity of a user receiving media is unknown to the at least one server (p.3, 50; p.11, 156 to p.12, 161; and p.27, 328); the information securing

Art Unit: 3691

payment for delivery comprises at least one of a device ID, a public key for encryption, information related to services, information regarding payment terms, information regarding billing, and media push/access restrictions and limitations (p.3, 50; p.11, 156 to p.12, 161; and p.27, 328); at least one of billing and payment is secured before delivery of the media occurs (p.3, 50; p.11, 156 to p.12, 161; and p.27, 328).

Although the Examiner has pointed out particular references contained in the prior art(s) of record in the body of this action, the specified citations are merely representative of the teachings in the art as applied to the specific limitations within the individual claim. Since other passages and figures may apply to the claimed invention as well, it is respectfully requested that the applicant, in preparing the response, to consider fully the entire references as potentially teaching all of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the Examiner.

Response to Arguments

Applicant's arguments filed August 14, 2007 have been fully considered but they are not persuasive. The Applicant argues that McEvilly does not disclose a user interface, at the first home, having at least one user defined media channel, the at least one user defined media channel comprising sequence of user selected and scheduled media, the user interface supporting selection and scheduling of the media. In response, McEvilly discloses that the menu design, selections, and content displayed to a user based on user profile data and usage information maintained by the system in one or more databases. The stored user profile data and usage information may be

Art Unit: 3691

used by the system to create a personalized menu including design elements, services, and content based on the profile data and usage information of the user which the menu will be presented (p.3, 50).

The Applicant argues that McEvilly does not disclose the creation by a first user of one or more media channels for distribution to an authorized second user at a second location remote from the first location. In response, McEvilly discloses that in one embodiment, the user gained access to services and media content using a user set top box and a television. However, the machine may operate as a peer-to-peer network, which includes other locations different from that of the first user (p.27, 328). In addition, the machine may be a PC, set top box, PVR, PDA, etc.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 3691

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (6:30-2:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kalinowski Alexander can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


LALITA M. HAMILTON
PRIMARY EXAMINER